

# **Exhibit E**

Pages 1 - 32

United States District Court

Northern District of California

Before The Honorable Donna M. Ryu

Oracle America, )  
Incorporated, )  
Plaintiff, )  
vs. ) No. C10-3561 DMR  
Google, Incorporated, )  
Defendant. )

San Francisco, California  
Thursday, August 25, 2011

Reporter's Transcript Of Proceedings

Appearances:

For Plaintiff: Boies, Schiller & Flexner, LLP  
1999 Harrison Street, Suite 900  
Oakland, California 94612  
By: William Fred Norton, Jr., Esquire  
Steven Christopher Holtzman, Esquire  
Meredith Richardson Dearborn, Esquire

Oracle, USA, Incorporated  
Legal Department  
500 Oracle Parkway, Esquire  
Redwood City, California 94065

(Appearances continued on next page.)

*Reported By:* *Sahar Bartlett, RPR, CSR No. 12963*  
*Official Reporter, U.S. District Court*  
*For the Northern District of California*

(Computerized Transcription By Eclipse)

*Sahar Bartlett, C.S.R. No. 12963, RPR  
Official Court Reporter, U.S. District Court  
(415) 626-6060*

1      **Appearances (continued) :**

2      For Defendant:                    Keker & Van Nest  
3    710 Sansome Street  
4    San Francisco, California 94111

5      By: **Christa M. Anderson, Esquire**  
6    **Reid Mullen, Esquire**

7      Google, Incorporated  
8    1600 Amphitheatre Parkway  
9    Mountain View, California 94043

10     By: **Renny Hwang, Esquire**

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**THE COURT:**

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The other point I want to make is, it may well be  
that -- that what is said in the declarations is completely  
accurate, as to presentation of -- by Oracle and meetings that  
followed and directions to -- to people to gather technological  
or other -- well, to gather information in anticipation of  
litigation, but that doesn't mean that this e-mail fell within  
that category.

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23                   **MS. ANDERSON:** Yes.

24                   It appears from Your Honor's comments and throughout  
25 the course of argument that there is a concern from Your Honor

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1 perhaps about the honesty or integrity or credibility of some  
2 of these declarations.

3           **THE COURT:** No, actually, quite to the contrary.

4           I -- I don't know that I -- what I said earlier in  
5 my announcement of the tentative is that it may well be that  
6 Mr. Lee and Mr. Lindholm worked on something together that came  
7 out of that Oracle presentation and that may, you know, if  
8 something were presented to me, might have fallen under the  
9 attorney-client privilege or Work Product Doctrine; I'm not  
10 precluding that that possibility exists and that those  
11 declarations are talking about that, but Google has not  
12 connected the dots to show that this e-mail was part of that.

13           There may have been other things going on; Mr. Lee  
14 and Mr. Lindholm may have been communicating about other things  
15 that had nothing to do with direction by an attorney or seeking  
16 legal advice or that kind of thing. It's Google's burden, as  
17 I've been pointing out all along. So I don't need to reach the  
18 question of whether somebody is not credible or is lying, or  
19 anything like that.

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**CERTIFICATE OF REPORTER**

I, Sahar Bartlett, Official Court Reporter for the United States Court, Northern District of California, hereby certify that the foregoing proceedings were reported by me, a certified shorthand reporter, and were thereafter transcribed under my direction into typewriting; that the foregoing is a full, complete and true record of said proceedings as bound by me at the time of filing. The validity of the reporter's certification of said transcript may be void upon disassembly and/or removal from the court file.

**/s/ Sahar Bartlett**

**Sahar Bartlett, RPR, CSR No. 12963**

**Tuesday, August 30, 2010**

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